

taken up for consideration at this time.

The resolution was read and was adopted.

Adjournment.

On motion of Senator Rawlings, the Senate, at 10:55 o'clock a. m., adjourned until 10 o'clock a. m., Monday, January 25, 1937.

APPENDIX.

Reports of Standing Committees.

Committee Room,

Austin, Texas, Jan. 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 54, A bill to be entitled "An Act making an appropriation for the increase in salaries of the several constitutional officers of the State of Texas authorized by constitutional amendment voted November 3, 1936; fixing the salaries and providing method of payment of these salaries; supplementing the original appropriation made by the Forty-fourth Legislature for the payment of salaries to these officials, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and that it be not printed.

REDDITT, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 54 by adding the following:

For furniture, equipment and repairing of the executive offices \$2500.00.

Committee Amendment No. 2.

Amend S. B. No. 54 by amending the caption thereof to conform with the body of the bill.

EIGHTH DAY.

(Monday, January 25, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called, and the following Senators were present:

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

The following Senators were absent and excused:

Hill.	Small.
Oneal.	

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Thursday, January 21, 1937, was dispensed with, on motion of Senator Woodruff.

Leaves of Absence Granted.

Senator Small was granted leave of absence for today, on account of important business, on motion of Senator Moore.

Senator Hill was granted leave of absence for today, on account of the death of his mother, on motion of Senator Cotten.

Senator Oneal was granted leave of absence for today, on account of important business, on motion of Senator Nelson.

Report of Standing Committee.

A report on S. B. No. 93 was submitted by the chairman of the committee to which it was referred.

Report of Select Committee.

Senator Holbrook submitted a report of the committee appointed pursuant to Senate Resolution No. 96, adopted by the Senate during the Regular Session of the Forty-fourth Legislature.

On motion of Senator Holbrook, the report was ordered printed as a separate supplement to today's Journal.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and were referred by the President Pro Tempore to appropriate committees, as follows:

By Senator Small:

S. B. No. 99, A bill to be entitled "An Act making appropriations for the support and maintenance of West Texas State Teachers College and for the erection of permanent improvements at the West Texas State Teachers College, and declaring an emergency."

Referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 100, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by adding thereto Section 99, so as to provide for the creation of private corporations for the purpose of producing, mining, manufacturing, buying and selling of building materials of all kinds."

Referred to Committee on Civil Jurisprudence.

By Senator Moore:

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 102, A bill to be entitled "An Act empowering and directing the State Board of Control to acquire by purchase certain needed lands for the State within the City of Austin, making an appropriation for that purpose, and declaring an emergency."

Referred to Committee on Finance.

By Senators Lemens and Collie:

S. B. No. 103, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, 1925, and providing that the court may set several capital cases on the same day; providing that only one venire shall be drawn for all capital cases set for the same day; providing each defendant shall be furnished a list of the venire for the day his case is set; providing that court may in his discretion ex-

cuse the remainder of the venire, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Spears:

S. B. No. 104, A bill to be entitled "An Act to amend Section 9 of Chapter 22 of the Acts of the Fortieth Legislature, Regular Session, House Bill No. 80, creating the County Courts at Law of Bexar County, Texas, by providing, by this Act, that the judges of said courts may exchange benches and sit and act for and with each other in any case, matter or proceeding now or hereafter pending in said courts; also an Act to amend the last amendment of Section Eleven (11) of the said Acts of the Fortieth Legislature, said last amendment of said section of said Acts having been passed by the Forty-fourth Legislature, Regular Session, being Chapter 309, House Bill No. 344, by providing, by this Act, that neither of the judges of the two County Courts at Law of Bexar County, Texas, shall be required to give any bond but that they shall take the oath of office prescribed by the Constitution of Texas, also by this Act to increase and fix the annual salaries of said judges of said courts, and provide for the payment of such salaries; also an Act to amend Section 14 of the said Acts of the Fortieth Legislature by providing for the appointment and election of special judges of said two County Courts at Law of Bexar County, Texas, and fixing and providing for the payment of their compensation; also an Act to amend Section 15 of the said Acts of the Fortieth Legislature by providing for seals of said County Courts at Law of Bexar County, Texas, and providing that the county clerk of Bexar County, Texas, shall be the clerk of said courts, etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 105, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the State Tuberculosis Sanatorium for Negroes for the remainder of the fiscal year, ending August 31, 1937, and prescribing certain regulations and restrictions in respect to the

expenditure of said appropriations; and declaring an emergency."

Referred to Committee on Finance.

By Senator Winfield:

S. B. No. 106, A bill to be entitled "An Act repealing House Bill Number 51, Chapter 9, passed by the Forty-third Legislature, at its First Called Session, creating the Bank Deposit Insurance Company, authorizing the liquidation of the affairs of the Bank Deposit Insurance Company; providing a method and a jurisdiction for such liquidation; providing for the right of objection upon the part of any person aggrieved and authorizing a hearing thereon; providing for appeal and writ of error; and declaring an emergency."

Referred to Committee on Banking.

By Senator Winfield:

S. B. No. 107, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of failure of the governing body of each respective incorporated city and town to make such levy by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory Board of Equalization, or where the City Council, City Commission, or other governing body of such incorporated city or town has acted as a Board of Equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town; providing this Act shall not validate any levies for ad valorem taxes where the validity of such levy has been contested in any pending suit, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

By Senator Redditt:

S. B. No. 108, A bill to be entitled "An Act appropriating Five Million Dollars (\$5,000,000.00) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1937, and ending August 31, 1939, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all chil-

dren of scholastic age within the State; and declaring an emergency."

Referred to Committee on Finance.

By Senators Nelson, Burns, Westerfeld, Hill, Lemens, Van Zandt, and Davis:

S. B. No. 109, A bill to be entitled "An Act amending Article 2190 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-Second Legislature, 1931; Chapter 78, Section 1, relating to special issues; providing that failure to submit an issue shall not be deemed ground to reverse a judgment unless submission is requested in writing by parties complaining thereof; providing that upon appeal or writ of error that an issue not submitted and not requested is deemed as found by the court in such manner as to support the judgment if the evidence sustains the finding, whether such omitted issue be a complete theory of recovery or defense, a complete ultimate issue or a subsidiary issue; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Nelson, Burns, Westerfeld, Hill, Lemens, Van Zandt, and Davis:

S. B. No. 110, A bill to be entitled "An Act to amend Article 2207, Revised Statutes of Texas, 1925, relating to defective, informal or conflicting verdicts; providing a court may reform verdicts at the bar; providing that if a verdict is not responsive to the issue or issues submitted, or if there be conflict in the findings of the jury, the court shall call their attention thereto and send them back for further deliberation; providing that if any part of this Act is declared unconstitutional, it shall not affect the validity of the remaining portions of this Act, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Nelson, Burns, Westerfeld, Hill, Lemens, Van Zandt, and Davis:

S. B. No. 111, A bill to be entitled "An Act amending Article 2199 of the Revised Civil Statutes of this State so as to allow the jury to hear the court reporter read from his

notes where there is any disagreement among the jury as to the statement of any witness, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Nelson, Burns, Westerfeld, Hill, Lemens, Van Zandt, and Davis:

S. B. No. 112, A bill to be entitled "An Act amending Article 2424, Revised Civil Statutes of Texas, 1925, relating to juries in civil cases in justice courts; providing the number of jurors which may render a verdict; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Collie, Van Zandt, Cotten, Isbell, Burns and Woodruff:

S. B. No. 113, A bill to be entitled "An Act to amend Chapter 209 of the Acts of the Regular Session of the Forty-third Legislature so as to define the rights and duties of the State Board of Education to exact of school districts and cities and towns which have assumed control of public schools located therein the performance of certain prescribed duties in instances wherein all or any part of the bonds of such districts, cities or towns are owned by the permanent school fund; prescribing the duties of such districts, cities and towns and the rights of bondholders in such instances; prescribing the duties of the Comptroller of Public Accounts in reference thereto; providing for suspension of payments of available and rural aid school funds to such districts, cities and towns as are delinquent; conferring on the State Board of Education authority to cause the resumption of such payments in the manner herein prescribed; conferring on the State Board of Education discretion as to application of moneys remitted for bond purposes; declaring this Act to be cumulative; providing that to the extent that the provisions of this Act are in conflict with other laws, the provisions of this Act shall prevail; providing that in event any sentence, clause or provision contained herein shall be invalid, such partial invali-

dity shall not affect other provisions of this Act, and declaring an emergency."

Referred to Committee on Educational Affairs.

Senate Joint Resolutions on First Reading.

The following Senate joint resolutions were introduced, read severally first time, and referred by the President Pro Tempore to the Committee on Constitutional Amendments:

By Senator Newton:

S. J. R. No. 7, A joint resolution proposing an amendment to Article VIII, Section 1a of the Constitution of the State of Texas, providing that Five Thousand (\$5,000) Dollars of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from taxation for all purposes; providing certain exemptions; providing for an election on the question of adoption or revocation of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

By Senators Sulak, Stone, Roberts, Holbrook and Newton:

S. J. R. No. 8, Proposing to amend the Constitution of State of Texas so as to permit the furnishing of State official text books free to every child of scholastic age, attending any school within the State.

Senate Resolution No. 12.

Senator Holbrook offered the following resolution:

Whereas, The attention of the Senate has been called to a number of grievous and allegedly illegal practices now and heretofore engaged in by public officials in various sections of this State; and

Whereas, The financial condition of the State is dependent upon the honest enforcement of its revenue laws; and

Whereas, There have been reported many widespread evasions of tax laws and many violations of other laws of the State, and many of such violations and evasions are alleged to have been committed with the knowledge and connivance of various officers in this State; and

Whereas, The Legislature will shortly adjourn and there should be some restraining agency existing during the interim between adjournment of this Legislature and the convening of the next; and

Whereas, Past experience has proven that a saving of millions of dollars may be made to the taxpayers by the existence at all times of such restraining authority.

Now, therefore, be it resolved by the Senate:

Section 1. That the President of the Senate be, and he is hereby authorized to appoint a committee of five members of the Senate to sit at such times and places between this date and the date of the convening of the Regular Session of the Forty-sixth Legislature, as may to said committee seem necessary and proper, and which committee shall continue the inquiries heretofore begun relative to the application of the fee system in Texas, and relative to the operation of the apportionment of the available school fund, and to inquire into tax delinquencies and collections and any and all other matters pertaining to or affecting the revenue of the State government and the expenditures of said taxes, fees and assessments, and to inquire into other affairs and activities of governmental departments and institutions of whatever kind and character, as such activities affect the financial or other welfare of the citizens of Texas. Said committee shall study and investigate the insurance code, practice and procedure in this State to the end that it may prepare a code of practice and procedure conducive to the elimination of existing irregularities, abuses, inequities and discriminations looking to relieving the citizens of this State from being taxed through their insurance premiums for the maintenance of the many and varied bureaus, associations and organizations.

Sec. 2. That said committee shall have the power to formulate its own rules of procedure and evidence, and to provide for its own hours of meeting and adjourning. Sessions of said committee shall be open to the public, except at such times as the committee, by a majority vote, may determine to hold an executive session. The chairman of said commit-

tee shall be elected by a majority vote of the members of said committee and the committee shall appoint its own secretary and employees and its sergeant-at-arms.

Sec. 3. That the committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and produce all books and records, and upon disobedience of any subpoena the said committee shall have power to issue attachments which may be addressed to and served by either the sergeant-at-arms appointed by said committee or any sheriff or any constable of this State. Said committee shall have power to inspect and make copies of any books, records or files of departments and institutions and any and all officers and/or employees of departments and institutions under investigation by said committee, and of any county or political subdivision of the State, and shall also have power to examine and audit the books of any person, firm or corporation having dealings with departments and institutions and any and all officers and/or employees of the departments and institutions under investigation by said committee. The committee shall have power to administer oaths and affirmations and fix the bonds of attached witnesses; and the committee shall further have all powers necessary in order to accomplish the purpose for which it is appointed. Each member of the committee shall, for the purpose of hearing and obtaining testimony, constitute a quorum of said committee, and each member shall have the authority vested in the committee to summon and compel the attendance of witnesses as hereinabove provided.

Sec. 4. The witnesses attending said committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

Sec. 5. Said committee shall have power and authority to employ and compensate all necessary experts, investigators, stenographers, clerks, auditors and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its investigations.

Sec. 6. That said committee may call upon the Attorney General's De-

partment, Auditing Department, and all other departments for assistance and advice and it shall be the duty of the Attorney General's Department to render opinions, give counsel and assistance to said committee upon request of the chairman or members of said committee.

Sec. 7. That said committee shall begin and complete its investigation at the earliest practicable moment and shall submit a report in writing to the Forty-sixth Legislature. The compensation and expenses herein provided for incident to the work of such committee shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fifth Legislature, upon sworn account of the persons entitled to such pay, when approved by the chairman of said committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-fifth Legislature to meet the payment of such per diem and expenses of the members of said committee, witnesses, fees and other expenses incident to said investigation.

Sec. 8. Said committee may include in its report its recommendation of any legislation that should be enacted or other action that should be taken.

(Signed) Holbrook, Hill, Collie, Isbell, Cotten, Shivers, Lemens, Van Zandt, Nelson.

The resolution was read and was referred by the President Pro Tempore to the Committee on State Affairs.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 12, Directing Dr. Cox to send all available typhoid vaccine and diphtheria toxoid to the flood stricken area in the Mid-West.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 13.

Senator Moore offered the following resolution:

Whereas, The number of employes of practically every department of the State Government has increased greatly within the past few years; and

Whereas, The Senate of Texas is desirous of increasing the salaries of the employes of the State, if possible, commensurate with the growing increased cost of living; and

Whereas, It has been demonstrated time and again, both in the discharge of governmental functions and private business that a small, well-paid, and able personnel can discharge the duties of the government or of a business more efficiently than can a larger but poorly paid staff; and

Whereas, Better salaries and fewer employes would attract to the Departments of Government men of greater ability than is now possible; and

Whereas, A decrease in the personnel and an increase in the salaries of the employees of the various departments would result in a more efficient operation of the State Government at a financial saving to the State; now, therefore, be it

Resolved by the Senate of Texas, That it do approve and declare itself in favor of the above principles and respectfully requests its Finance Committee to follow these principles as nearly as possible in the preparation of its appropriation bills, to the end that the efficiency of the government be enhanced, and that the cost thereof be decreased.

The resolution was read and was referred by the President Pro Tempore to Committee on Finance.

Senator Moore asked unanimous consent of the Senate that Senate Resolution No. 13 be withdrawn from the Committee on Finance and that it be taken up for consideration by the Senate at this time.

There was no objection offered.

The resolution was then laid before the Senate and was adopted.

Senate Concurrent Resolution No. 11.

Senator Lemens offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That Rule No. 20 of the Joint Rules

of both Houses be amended by adding a subsection thereto to be known as Section 20a, to read as follows:

"Section 20a. The conferees shall be limited to the differences between the two Houses and shall not insert in their report new matter not germane thereto by going outside the differences committed to them."

The resolution was read and was referred by the President Pro Tempore to the Committee on Rules.

Message From the Governor.

The President Pro Tempore laid before the Senate, and had read, the following message, which had been received from the Governor.

Austin, Texas, Jan. 25, 1937.
To the Members of the Forty-fifth Legislature:

In my initial message to the Legislature at the outset of this session I joined in the recommendations and estimates of the State Board of Control for the needs of our eleemosynary institutions, which includes, of course, the insane asylums, the homes for feeble-minded, and epileptics and the state orphans' homes.

The needs of these institutions are so acute and the subject of such importance that I now deem it necessary to submit the Board's request for appropriations as an emergency.

According to the Board of Control, on last September 1st there were 727 patients in our insane asylums more than "capacity for good results"; and 267 more than "maximum capacity" of all of the State hospitals for the insane. 1306 patients on furlough and escape are not included in the above figures.

The average annual increase of insane patients is approximately 500. The total additional insane patients which will be housed by additional facilities (for which appropriations have already been made during the present fiscal year ending August 31, 1937) are 1137.

The Board of Control has furnished me with the following statement:

	Insane Patients. (267 over maximum capacity.)
"Overload above capacity for good results	727
(Governor's) List of pending applications	884
Average annual gain for present year and the two years	

of the next biennium at 498 per year	1,494
"(Returns from 1306 on furlough are not being considered here although there are 174 more on furlough than two years ago.)"	

Total Additional Beds	3,105
Less:	
Housing facilities provided for this year	1,137
War Veterans soon to be admitted to U. S. Veterans Hospitals	200 1,337

Total Additional Housing Capacity needed is	1,768
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"Construction Needed to House These 1,768 Patients.

"Patients buildings required, using large-ward-type buildings of 180 patients per building, will cost approximately	\$1,127,000.00
"Power, heat, laundry, sewage, water and other utility enlargements, equipment and facilities needed for present capacities and proposed enlargements at hospitals for the insane	176,100.00
"Estimated amount for fire-proofing for all old buildings and providing fire escapes at the hospitals for the insane	970,600.00

"Total estimated cost of above construction	\$2,273,700.00
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"Add: If new hospital for the insane is to be established in West Texas costing \$817,000.00 as recommended by the Board of Control in the budget, which will provide initial housing for 540 patients, then add to the above total the difference between \$817,000.00 and \$345,600.00 (cost

of ward buildings at present hospi- tals for 540 pa- tients	471,400.00
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"Total estimated cost to house insane patients (including fire- proofing old buildings and fire escapes)	\$2,745,100.00"
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From the foregoing it will be seen that not only are we in need of additional facilities (that is, new buildings and probably a new asylum), but that our present institutions are in need of repairs for better health and sanitation measures.

Your particular attention is directed to the report of the board as to the amount necessary for fire-proofing all old buildings and providing fire escapes at hospitals for the insane. This is nothing short of startling, and I could not forgive myself if I did not recommend immediate action by the Legislature to see that these buildings are made fire-proof. I recall the horrors to which other states have awakened in the past when an unexpected fire destroyed one of their buildings where the insane or feeble-minded are housed.

These unfortunate people should be our very first concern. Some of them are not yet in our state institutions but still incarcerated in jails and private homes. Recently a delegation of prominent county judges called on me and made a worth while suggestion that since the Board of Control is recommending additional facilities I should ask the Legislature to make the appropriations as an emergency in order that the work may go forward without waiting until the end of the fiscal year. I think this a splendid suggestion, and urge immediate action by this Legislature.

2.

Appropriations for Court Costs and Traveling Expenses of the Attorney General's Department.

At the present time the Attorney General's Department is representing the State in a number of most important lawsuits. Some of them are pending in the United States Supreme Court. Others will no doubt

reach the Supreme Court before the end of the fiscal year. In every instance the clerk of the United States Supreme Court requires a cash deposit on advance for costs. The Attorney General's Department is the recipient even for court costs of the State's "hot" checks.

During my own experience as Attorney General the only way by which the State could get these costs advanced was to have the warrant issued and get some private party to carry them. For our traveling expenses the Attorney General and his assistants had to borrow the money on their own personal notes, pay interest on same and then discount warrants after the expenses were incurred. I understand the present Attorney General has had to adopt the same methods. This is neither fair nor right.

One of the most important suits pending in the United States Supreme Court is styled Texas vs. New Mexico, instituted in October, 1935, involving the distribution of the waters of the Rio Grande. This lawsuit involves the financial welfare of a tremendous portion of Texas citizenship; and the principle involved affects all of us.

At the present time testimony is being prepared by a master in chancery appointed by the United States Supreme Court. The United States Government appropriated \$345,000.00. Colorado, New Mexico and Texas must contribute a total of \$55,000.00, to be divided equally among them. Colorado and New Mexico have already paid their share of this expense. Texas has not. The Attorney General needs a substantial appropriation available immediately to continue this litigation.

The 44th Legislature passed a chain store tax law. It was immediately attacked in the district court and held unconstitutional. A voluminous record was made and the Attorney General has appealed in behalf of the State. He tells me he is in need of a substantial appropriation to take care of the costs in this case.

As further indicative of the needs of this department I respectfully refer you to the case of the Green estate which if successfully prosecuted by the State may result in bringing millions of dollars into our treasury. A number of hearings have been held over the country in various State courts. Due to an in-

adequate appropriation the Attorney General has not been able to have a representative present. No doubt it would have been very helpful to the State's cause if he could have had a representative present at these hearings in other states.

In the past, the traveling expenses appropriated for this department have been unduly limited by the Legislature. In fact, it has been niggardly. Let me illustrate this:

Many of the State's most important cases are before the United States Supreme Court in Washington or before some of the Federal Commissions. A limit of \$3.50 per day for hotel and meals is placed on these assistants. It is impossible to secure decent hotel accommodations in the City of Washington, to say nothing of meals, for this amount. I suggest that in the appropriation bill a reasonable sum be allowed for the expenses of the Attorney General and his assistants on official business in Washington. I tell you frankly that during my administration, and I am sure the same is true of the present administration, not a single representative of the Attorney General's Department made a trip to Washington without suffering a considerable financial loss in expenses incurred which he could not put on his account.

There are perhaps other important emergency appropriations that should be made by you, but I regard these, in the order enumerated, as the most important. I ask that they not be held up awaiting others.

3.

Granting of Clemency.

May I respectfully call your attention to the fact that in my first message to the Legislature I submitted as emergency legislation for immediate action the matter of vitalizing the amendment adopted by the people to place the power of clemency in the hands of a board. This amendment is effective February 1st. Unless action is had before that time we will be without any machinery whatever for the extending of clemency.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

House Concurrent Resolution No. 12.

On motion of Senator Holbrook, and by unanimous consent, the rule

requiring resolutions to be referred to a committee was suspended to permit consideration by the Senate at this time of H. C. R. No. 12.

The President then laid before the Senate:

H. C. R. No. 12, Authorizing Dr. Cox to send typhoid vaccine and diphtheria toxoid to the flood-stricken area in the Mid-West.

The resolution was read and was adopted.

Senate Bill No. 101.

Senator Moore moved that the constitutional rule limiting consideration and passage of bills by the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration in committee and passage by the Senate of S. B. No. 101.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

Senator Spears, by unanimous consent, submitted, at this time, the report of the Committee on Counties and County Boundaries on S. B. No. 101.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Burns.
Beck.	Collie.
Brownlee.	Cotten.

Davis.	Redditt.
Head.	Roberts.
Holbrook.	Shivers.
Isbell.	Spears.
Lemens.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Nelson.	Weinert.
Newton.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

On motion of Senator Moore, and by unanimous consent, the rules requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill on the floor of the Senate and requiring a committee report to lie over one day before consideration of the bill reported were severally suspended, to permit consideration by the Senate of S. B. No. 101 at this time.

The President Pro Tempore then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

The President then laid S. B. No. 101 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

Senate Bill No. 36.

Senator Woodruff moved that the constitutional rule limiting consideration of bills by committees of the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on Educational Affairs of S. B. No. 36.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

Senate Bill No. 81.

Senator Sulak moved that the constitutional rule limiting consideration of bills by committees of the Senate during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on State Affairs of S. B. No. 81.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

Senate Bill No. 93.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act making it lawful for the commissioners' court of Comal County to pay out of the general fund of such county bounties for the destruction of predatory animals, providing that on petition of one hundred freeholders the commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

The President then laid S. B. No. 93 before the Senate on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28.

Aikin.	Newton.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Hill.	Small.
Oneal.	

Adjournment.

On motion of Senator Holbrook, the Senate at 11:15 o'clock a. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.**Reports of Standing Committees.**

Committee Room,
Austin, Texas, Jan. 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on

Counties and County Boundaries, to whom was referred

S. B. No. 101, A bill to be entitled "An Act amending Article 1041, Title 15, Code of Criminal Procedure, Revision of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 93, A bill to be entitled "An Act making it lawful for the commissioners' court of Comal County to pay out of the general

fund of such county bounties for the destruction of predatory animals, providing that on petition of one hundred freeholders this commissioners' court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty, and prescribing manner of payment and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Room,

Austin, Texas, Jan. 21, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 54 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

In Memory
of
Dr. James Quayle Dealey

Senator Holbrook moved that the rule of the Senate requiring resolutions to be referred to a committee be suspended to permit his reading and the Senate's immediate consideration and adoption of a resolution in memory of Dr. James Quayle Dealey.

The motion prevailed unanimously, and Senator Holbrook then read to the Senate the following resolution:

(Senate Concurrent Resolution No. 10.)

Mr. President and Gentlemen of the Senate:

It is both fitting and proper that the Senate of Texas, the House of Representatives concurring, should take notice at this hour of the passing of one of the most distinguished citizens of Texas. On last Friday while sitting at his desk busily engaged in vising the editorial columns of the Dallas News, Dr. James Quayle Dealey, its late editor, quit this life, firmly ensconced in the affections of all who knew him during his long and eventful career. It would be inadequate indeed to give merely a chronological history of this great citizen, but it is important to say that when his books were closed there ended a life of usefulness that will rest as a benediction upon the people of Texas, from generation to generation.

He was born in Manchester, England, on August 13, 1861 and at the early age of nine emigrated with his parents in an old fashioned sailboat for Galveston, Texas, where they landed after six weeks of stormy voyage. He was one of a family of nine children, consisting of four boys and five girls. Soon after their arrival in Galveston his two older brothers, Thomas W. and George B. Dealey, found employment with the Galveston News, which at that time was edited by Colonel A. H. Belo, one of the soundest and greatest editors which these Southern States have produced. At seventeen the boy James Quayle Dealey, secured employment alongside his brothers, where he worked assiduously until 1884, and became proficient in all departments of the business office, mailing room and circulation department of the News.

During this time he learned the fundamentals of newspaper work, but never lost sight of the ambition which he possessed for a thorough education. He attended the schools in Galveston during his childhood and while doing this, and performing his manifold duties with the Galveston News, he decided to become a teacher; and in order to perfect himself in this chosen profession he entered Brown University at Providence, Rhode Island, where he was graduated with a B.A. Degree in 1890. From that date forward for thirty-nine years he followed and built up a notable academic career. Immediately after graduation he became a member of the first

faculty of the Denton Normal School, now the North Texas State Teachers College at Denton, Texas; and after one year's teaching there became instructor of languages at the Vermont Academy at Saxton's River, Vermont; and in 1893 commenced his tenure of teaching as a member of the faculty in Brown University, where he graduated. He continued in this profession, at the head of the School of Languages, and later of Social Sciences, for thirty-six years, where he gained a reputation of international renown as one of the leading educators of this country.

In 1893 he received his Master's Degree from Brown University and two years later received his Degree of Doctor of Philosophy from the same institution. In 1930 Baylor University at Waco conferred upon him the Honorary Degree of Doctor of Literature for his outstanding work in this field. During his long tenure as a member of the faculty of Brown University he became closely associated with Dr. Leslie F. Ward, under whom he had pursued his work as a student at that institution, and collaborated with him in writing a textbook on Sociology which attracted world-wide attention. Besides assisting Dr. Ward in this work Dr. Dealey himself was the author of a great many books which have added greatly to our knowledge of the development of government in this and other countries. Notable among these works are:

1. "Our State Constitution."
2. "The Development of the State."
3. "Ethical and Religious Significance of the State."
4. "The Family and Its Sociological Aspects."
5. "Growth of the State Constitutions."
6. "State and Government."
7. "Foreign Policies of the United States."
8. "Political Situations in Rhode Island."

Besides his school work he was a distinguished lecturer at the Naval War College, and in that way won great favor among the officers of the Army and Navy.

In 1929 he came back to Texas to assume the editorship of the Dallas News and Journal, where the workings of his great intellect and humanitarian ideas came in closer contact with the people of Texas. During his seven years editorship of these papers his world-wide knowledge was continuously reflected in the editorial pages of this great paper, in a way which gave him first place among American editors. The last editorial which he wrote on the morning of the day he died, and which appears in today's Dallas News, gives a keen insight on the situation in Japan, China and Russia, and was gained by close study of those peoples on occasions of his many visits to the Far East in times past. He served as Exchange Professor at Shanghai University in China for a period, and in that way gained intimate knowledge concerning the Governments in the Orient. Most of Dr. Dealey's life was spent in two fields, education and journalism, and his frequent trips to China and Japan during the time in which he was engaged in educational work, developed a keen interest in him concerning matters in the Far East, and developed in him expert knowledge on international relationships. At various times during his collegiate career he was elected the head of great Social Science Associations, and became not only a profound thinker but an accomplished speaker; both on the rostrum and among the more cloistered educational groups.

During his entire career he was a close student of constitutional government and wrote many articles on proposed changes in the fundamental laws of the various states. In everything he attempted to do there was a progressiveness which pointed the way to a sure and sound progress for the public good. It was somewhat late in life when he quit the role of a schoolmaster to take up his greater

advances in the role of editor, a field in which he achieved nationwide distinction. As a mark of his ability in this broader field newspapers throughout the land have given him a first place in their affections. It is little wonder then that the people of Texas were shocked with an inexpressible grief when they learned of his passing.

That he was one of the most highly respected and best loved citizens of this State will be attested by the people throughout its broad domain. Unselfish to an exceptional degree his whole life was dedicated to the public good. It was said by Lord MacCauley, the great English writer and statesman, that "The world generally gives its admiration not to the man who does what nobody else ever attempts to do, but to the man who does best what multitudes do well." This thought well illustrates what might be aptly said of Dr. Dealey. As an educator, an editor, a citizen and a friend to all mankind he did best what multitudes have done well; and he deserves to be ranked among the State's immortals. In order to measure the full appreciation of the affection which his friends had for him one need but ask, what finer use could be made of a life than he made of his? He impressed upon every moment of his time the seal of unremitting toil, and fidelity to duty as he saw it. To him came many positions of trust and honor, and upon each of them he impressed a distinguished service. He went his way unselfishly seeking opportunities to do good, always and everywhere, with humble spirit and contrite heart, keeping uppermost in his mind the thought of serving others who had lost their way in the unequal battles of life. He looked upon the years allotted to man as a consecrated trust and counted the work of no day done which did not leave a lasting influence for good indelibly stamped on the hearts of those around him.

Next to his family, the welfare of the city in which he lived and his State and Nation were objects of his continued care; and there was never a movement looking to their betterment and progress that did not command his attention in a forceful way. No man in Texas contributed more generously of his time, his energies, his talents, and his substance to the upbuilding of Texas and our common country than did Dr. Dealey. Under his direction the great newspaper which he edited wrought mightily in its efforts to build a better State; and its eminence among the publications of the South is a testimonial of how well he performed that task.

Dr. Dealey was of a retiring disposition, but when surrounded by friends was a man of rare social gifts. He was especially endeared to his business and professional associates, as attested by them on every proper occasion. When death came they paid him tribute without stint or exception, and it may be truly said that in his taking leave of them there is left a vacant chair which never can be filled. As father, educator, editor, citizen, or friend, he was always considerate of the happiness of others, and even when his struggles were hard he met them face-forward, and without complaint.

Born in the British Empire, and coming from that sturdy English stock which has made for the advancement of the peoples of the world, he inherited their ideals which recognized and taught, there could be no manly character without honor and integrity to back it. These are the foundation stones upon which all else rested with him. No taint of wrong-doing ever soiled his garments, and no whisper of sharp dealing was ever uttered against him. He exemplified and typified the finest graces that adorned the men of his generation, and notwithstanding the political unrest in the world today, he never wavered in his support of, nor lost confidence in the fundamental laws upon which this government was founded.

After having reached these shores as an emigrant boy from the Old World, he was quick to grasp the chivalry which characterized the pioneer settlers of Texas, and with them he cherished the tradi-

tions of the South as much as any native son among us. This, combined with his inherent honesty and intellectual attainments, made him an attractive person in any company. He did not, like Hamlet, soliloquize with himself, by inquiring whether or not it would be profitable "to die, to sleep, to wake; to be, or not to be?" His was more of that character of mind which caused the Bard of Avon make Polonius say to Laertes, his offspring:

"This above all,
To thine own self be true
And it must follow, as the night the day,
Thou canst not then be false to any man."

For him, always came the call of Seneca's Pilot, when amidst the tempests of surging seas, he exclaimed to Neptune—

"Thou may save me if thou wilt,
And may, if thou wilt, destroy me;
But whether or no, I will steer my rudder true!"

Moreover, there was a deeply religious side to his life. In his youth he joined the Baptist Church at Galveston, and remained true to that faith to the end of his eventful career. In this day of doubt, for him there was no doubt; in a day when men say they do not know what lies beyond the grave, he had faith to believe that somewhere beyond this sphere of human activity there must be "a city not made with hands, eternal in the heavens." In a day for many, this hope is hushed in silence, but for him it furnished a buoyancy which gave zest and color to a beautiful life. Courage, kindness, and courtesy were the triple links which bound him in deathless ties to every hope that animates the spirit and blesses the lives of all mankind.

And now, with the multitudes who loved him, we bid him goodbye; with the hope that he has heard the judgment read, "Well done thou good and faithful servant." Let it be echoed back from the unseen shore, "So Valiant-For-Truth passed over, and all the trumpets sounded for him on the other side."

Mr. President: After having expressed in our feeble way, an estimate of this great citizen, and our sorrow at his sudden passing, it is resolved by the Senate of Texas, the House of Representatives concurring, that this memorial be printed in the Journals of the Senate and House, as a tribute of our affection to his memory, that a copy of same be mailed to each member of his family, and that when each House adjourns for the day, it do so in his honor.

HOLBROOK,
AIKIN,
BECK,
BROWNLEE,
BURNS,
COLLIE,
COTTEN,
DAVIS,
HEAD,
HILL,
ISBELL,

LEMENS,
MOORE,
NEAL,
NELSON,
NEWTON,
ONEAL,
PACE,
RAWLINGS,
REDDITT,
ROBERTS,
SHIVERS,

SMALL,
SPEARS,
STONE,
SULAK,
VAN ZANDT,
WEINERT,
WESTERFELD,
WINFIELD,
WOODRUFF.

On motion of Senator Woodruff and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was then adopted unanimously by a rising vote.

In Memory
of
Mrs. Joe L. Hill

Senator Woodruff offered the following resolution:
(Senate Resolution No. 14.)

Whereas, The Supreme Architect of the Universe in His infinite wisdom has seen fit to call from our midst Mrs. Joe L. Hill of Bexar County, mother of the distinguished Senator Joe Hill of Rusk County; and

Whereas, By her noble life and Christian virtues she contributed much to the building of all that is best in our civic and spiritual affairs; and

Whereas, It is fitting and proper that the Senate do pause to reflect upon the meaning, purpose and place of such lives in the building of a great State and in some way to give, in so far as possible, appropriate recognition and honor to the memory of such nobility; now; therefore, be it

Resolved, That the President appoint a committee of three members of the Senate to proceed to the burial services of the said Mrs. Joe L. Hill, personally to extend to the bereaved family the condolence of the Senate, that the Secretary be here instructed to send to said services a fitting floral tribute, same to be paid for out of the Contingent Expense Fund of the Senate, and that the Senate do, at the close of today's business, stand adjourned in memory of this beloved character.

WOODRUFF,	ISELL,	SHIVERS,
AIKIN,	LEMENS,	SMALL,
BECK,	MOORE,	SPEARS,
BROWNLEE,	NEAL,	STONE,
BURNS,	NELSON,	SULAK,
COLLIE,	NEWTON,	VAN ZANDT,
COTTEN,	ONEAL,	WEINERT,
DAVIS,	PACE,	WESTERFELD,
HEAD,	RAWLINGS,	WINFIELD.
HILL,	REDDITT,	
HOLBROOK,	ROBERTS,	

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

On motion of Senator Woodruff and by unanimous consent, the rule requiring resolutions to be referred to a committee was suspended, and the resolution was adopted unanimously at this time by a rising vote.

In accordance with the provisions of the resolution, Senators Beck, Nelson and Spears were appointed by the President Pro Tempore to attend the funeral of Mrs. Hill.